

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
5:07cr8-1-V**

UNITED STATES OF AMERICA,)	
)	
v.)	<u>ORDER</u>
)	
JAMES M. PARSONS,)	
Defendant.)	
_____)	


THIS MATTER is before the Court on Defendant's pro se "Motion to Construe Current Pleading as a section 2255 Motion," filed August 12, 2009 (Document #139). In this motion, Defendant asks that the Court treat his pro se "Motion to Consider an Appeal" (Document #136), filed June 15, 2009, as a motion made pursuant to 28 U.S.C. § 2255.

In an order (Document #138) issued July 22, 2009, this Court informed Defendant of the consequences of recharacterizing his motion as one made under § 2255. Having been so informed, Defendant now wishes to proceed with the recharacterization.

WHEREFORE, it is hereby ORDERED that:

1. The Clerk is directed to treat Defendant's Motion to Consider an Appeal (Document #136), filed June 15, 2009, as a motion to vacate, set aside, or correct sentence pursuant to § 2255 and to file a copy of this order within the civil case number assigned; and
2. The Clerk is directed to include a standard § 2255 petition when sending this order to Petitioner.

Signed: August 19, 2009

A handwritten signature in black ink, reading "Richard L. Voorhees". The signature is written in a cursive style with a horizontal line underneath the text.

Richard L. Voorhees
United States District Judge

